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WESTERN DISTRICT OF LOUISIANA

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA

MONROE DIVISION

REGIONS BANK

CIVIL ACTION NO. 06-565

VERSUS

JUDGE ROBERT G. JAMES

CLIFTON MILLS, ET AL.

MAG. JUDGE MARK L. HORNSBY

RULING

Pending before the Court is an appeal filed by Appellant Regions Bank [Doc. No. 1] from a March 13, 2006 Order of the United States Bankruptcy Court, Western District of Louisiana, Case No. 03-30871.

On April 3, 2006, the Clerk of Court issued a Notice of Setting Bankruptcy Appeal [Doc. No. 4]. The Notice of Setting states that “[u]nder Bankruptcy Rule 8009 . . . the appellant shall serve and file [its] brief within 15 days from this date.” Therefore, Appellant was required to file a brief in support of its appeal no later than April 18, 2006. Appellant did not file its brief, and on May 19, 2006, the Court entered a Memorandum Order [Doc. No. 5] requiring the Appellant to file its brief, accompanied by a separate statement showing good cause for the lateness of the brief, no later than May 31, 2006.

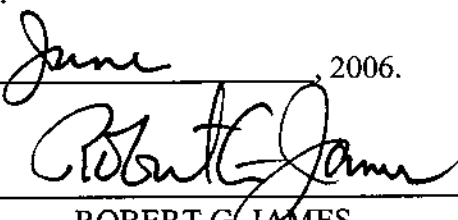
On May 31, 2006, Appellant filed its brief [Doc. No. 6] and a statement to show good cause for its tardiness [Doc. No. 7]. However, Appellant’s brief did not comply with Local Rule 10.1W, which requires documents filed in this Court to be double-spaced. On May 31, 2006, Appellant was issued a notice of deficiency [Doc. No. 8]. Appellant’s corrected brief was due no later than June 14, 2006.

The Appellant has not corrected the deficiency in its brief. On June 19, 2006, the Clerk

of Court issued an Order [Doc. No. 10] striking Appellant's brief from the record.

Federal Rule of Civil Procedure 41(b) allows district courts to dismiss an action on its own motion for "failure of the plaintiff to prosecute or to comply with these rules or any order of court." Fed. R. Civ. P. 41(b). In this case, Appellant has not diligently complied with the Court's orders. Therefore, in accordance with Rule 41(b), and in the interest of justice, Appellant's case is DISMISSED WITHOUT PREJUDICE.

MONROE, LOUISIANA this 22 day of June, 2006.



ROBERT G. JAMES
UNITED STATES DISTRICT JUDGE